

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RICHARD W. AMON, JR., an  
individual,

Plaintiff,

v.

UNION PACIFIC DISTRIBUTION  
SERVICES COMPANY, a Delaware  
corporation,

Defendant.

8:12CV437

**MEMORANDUM  
AND ORDER**

Plaintiff has filed a motion (Filing [51](#)) to extend the deadline within which he may file his brief and evidence in opposition to Defendant's motion for summary judgment (Filing [45](#)). Plaintiff's motion states that he filed a motion to compel (Filing 49) on September 22, 2014, seeking information that is "material to the issues of whether Plaintiff provided Defendant notice of his need for Family Medical Leave and the credibility of the testimony of Plaintiff and Defendant's witnesses." Plaintiff claims the information sought "may create a genuine issue of material fact and Plaintiff will be prejudiced in his opposition of Defendant's Motion for Summary [J]udgment without this evidence." (Filing [51](#) ¶ 7.) Plaintiff states that the pending motion to compel was necessary because "Defendant objected to and supplied incomplete responses" to Plaintiff's prior discovery requests. (Filing [51](#) ¶ 6.)

While Plaintiff has not shown "*by affidavit or declaration* that, for specified reasons, it cannot present facts essential to justify its opposition," as required by [Fed. R. Civ. P. 56\(d\)](#) (emphasis added), the court may extend the time within which an act must be done "for good cause." [Fed. R. Civ. P. 6\(b\)](#). Therefore, "for good cause" shown, I shall grant Plaintiff's motion to extend.

IT IS ORDERED:

1. Plaintiff's Motion to Extend Plaintiff's Opposition Brief Deadline (Filing [51](#)) is granted;
2. The deadlines for the filing of Plaintiff's opposition to Defendant's Motion for Summary Judgment (Filing [45](#)) and Defendant's reply thereto are suspended until such time as the Magistrate Judge rules on Plaintiff's Motion to Compel (Filing [49](#));
3. Immediately after the Magistrate Judge rules on Plaintiff's Motion to Compel (Filing [49](#)), Plaintiff's counsel shall file a motion to set deadlines for the Plaintiff to file a brief and evidence in opposition to Defendant's Motion for Summary Judgment (Filing [45](#)) and Defendant's reply thereto;
4. Defendant's Motion for Summary Judgment (Filing [45](#)) is held in abeyance until further order of the court; and
5. This matter is referred to Magistrate Judge Zwart to determine whether the pretrial conference and trial in this matter should be continued.

DATED this 25<sup>th</sup> day of September, 2014.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge

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